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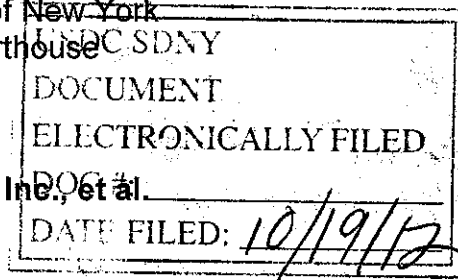
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MEMO ENDORSED

October 16, 2012

Honorable Cathy Seibel
United States District Court for the Southern District of New York
Hon. Charles L. Brieant Jr. Federal Building and Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: **Ryder v. True Value Hardware, Inc., et al.**
No. 7:12-cv-06875-CS



Dear Judge Seibel:

This firm represents True Value Company ("True Value"), a Delaware cooperative corporation with a principal place of business located at 8600 W. Bryn Mawr Avenue, Chicago, IL 60631-3505 in connection with the abovementioned matter. Pursuant to Paragraph 2(A) of Your Honor's Individual Practices, True Value submits this letter to request a pre-motion conference so that True Value may move to dismiss Plaintiff Chris Ryder's (the "Plaintiff") claims with respect to True Value.

True Value has not been named by the Plaintiff and is not a party to this suit. However, a copy of the Complaint was left at True Value's offices. Thus, True Value submits this letter proactively in order to dismiss the Plaintiff's claims. In so doing, True Value is not waiving its rights to object to the substance of the Complaint or waiving any and all available defenses.

By way of background, on September 25, 2012, a copy of the Complaint was left at the front reception desk at True Value's corporate headquarters in Chicago, Illinois. The Complaint attempts to initiate suit against a company it labels either True Value Hardware, Inc.; True Value Hardware Company, National; True Value/Village Hardware; and True Value Distribution, Inc.¹ The Complaint refers to these parties as

¹ Service of the Complaint was first attempted several days before September 25, but True Value's staff directed the process server to make service on True Value's agent for service of process, CT Corporation. It is our understanding that service was then attempted through CT Corporation, but CT Corporation refused to accept service because CT is not a process agent for any company named "True Value Hardware Corporation" or "True Value Hardware Company, National." After CT Corporation refused to accept the Complaint, the person attempting service returned to True Value's offices on September 25 and left the Complaint on the front reception desk. Likewise, service was attempted at True Value's Regional Distribution Center in Allentown, PA.

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defendants 1, 2, 4, and 9, respectively. The cover sheet for the Complaint that was left at True Value's headquarters indicates the defendant is "True Value Hardware Corporation," a name that is not used elsewhere in the Complaint. The address given for supposed defendant "True Value Distribution, Inc." (defendant #9) is the same as the address for True Value's Regional Distribution Center located in Allentown, PA.

In so much as the Complaint attempts to bring suit against True Value, the Complaint fails to state a claim upon which relief can be granted. True Value does not own, and is not affiliated with, any of the four businesses identified in the Complaint as defendants 1, 2, 4, and 9.

For the forgoing reasons, True Value Company wishes to bring a Rule 12(b)(6) motion to dismiss. I look forward to discussing this matter with Your Honor.

Dated: New York, New York
October 16, 2012

By: 

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cc: Mr. Chris Ryder. Pro se
Other Counsel of record

Pre-motion conference to be held on:

11/14/12 at 3:30 PM
Opposing counsel to state position (by letter not to exceed 3 pages) in writing one week in advance.

So ordered.


Cathy Seibel, U.S.D.J.

Dated: *10/18/12*